

PBBT010079582024



Presented on : 17-07-2024
Registered on : 18-07-2024
Decided on : 19-07-2024
Duration : 0 years, 0 months, 2 days

Jaskaran Singh Vs. State of Punjab etc.

CNR No.PBBT01-007958-2024
CIS No.BA-2484-2024
BA File No.282 of 18.07.2024
Date of order: 19.07.2024

Present: Sh. Kulwant Singh Gill, Counsel for the petitioners.
Sh. H.S.Gill, Addl. Public Prosecutor for the State.

Learned Additional Public Prosecutor, on the instructions from HC Kanwalpreet Singh, posted as Naib Reader to DSP, Bhuchio, has stated at bar that one complaint has been received as down marked from the office of SSP, Bathinda, for inquiry to the office of DSP, Bhuchio. The complaint having been moved by Kulwant Singh against Jaskaran Singh, Harwinder Singh and Kulwant Singh, with the allegations of cheating to the tune of Rs.21,00,000/- and criminal intimidation. Same is being inquired into. However, no FIR has yet been registered. A separate statement of HC Kanwalpreet Singh has been recorded to the aforesaid effect in the court.

Keeping in view the stand taken by the State, the apprehension of the petitioners regarding their arrest, is meaning less. At this stage, the learned counsel for the petitioners made a request that the

(Sumeet Malhotra)
Sessions Judge,
Bathinda

Investigating Agency be directed to give seven days advance notice to the accused before arresting them, in order to enable the accused to pursue their right of seeking anticipatory bail.

I have considered the said submission. However, I have my inability to accept the said request, in as much as, the Investigating Agency has a right to independently investigate the matter and also expected to follow the provisions of Section 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023. There cannot be any presumption against the law and thus, it cannot be presumed that the Investigating Agency would not follow the due process of law, especially in terms of provisions of Section 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Accordingly, the bail application is dismissed, at this stage. However, the petitioners are granted liberty to approach the Court a fresh, in case survivable cause arise to them in accordance with law. The bail application file be consigned to the Record room.

**Pronounced:
19.07.2024**

**(SUMEET MALHOTRA)
SESSIONS JUDGE,
BATHINDA.
(UID NO.PB0060).**

Nirmal Singh

(Sumeet Malhotra)
Sessions Judge,
Bathinda